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Hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 31, 2008

Signature:

(Thomas M. Palisi)

Docket No.: REGIM 3.3-076  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Philippe Erbs

Application No.: 10/565,230

Group Art Unit: 1633

Filed: January 20, 2006

Examiner: M. G. Leavitt

For: POLYPEPTIDE HAVING AN IMPROVED  
CYTOSINE DEAMINASE ACTIVITY

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed December 12, 2007, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-11, 30, 31, 38 and 47, drawn to a polypeptide possessing Cytosine Deaminase (CDase) activity.

II. Claims 12-29, 39, 40, 41 and 42-46, drawn to nucleic acid sequence which encodes a polypeptide possessing CDase activity, a recombinant vector comprising said polynucleotide, a process for preparing a viral particle, a viral particle comprising said recombinant vector, a host cell comprising said nucleotide sequence and a composition comprising said nucleic acid sequence.

III. Claims 35-37, 48-52 are drawn to a method of treating a disease comprising administering a therapeutically